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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Kush, Inc., a Nevada corporation,

Plaintiff,

v.

Frank Van Vranken, Jr., an individual;
DOES I-X, inclusive, and ROE
Corporations I-X, inclusive,

Defendants.

Case No. 2:20-cv-00649-JCM-DJA

**STIPULATED MOTION TO
CONTINUE DEADLINES IN
DISCOVERY PLAN AND
SCHEDULING ORDER**

(Assigned to the Honorable
James C. Mahan)

Defendant Frank Van Vranken, Jr. ("Defendant"), by and through undersigned counsel, and Plaintiff Kush, Inc. ("Plaintiff"), by and through undersigned counsel, hereby submit their stipulated motion to continue the upcoming deadlines contained in the parties' Stipulated Discovery Plan and Scheduling Order, specifically the following: (a) discovery cut-off date, currently set for December 9, 2020; (b) dispositive motions, currently set for

1 January 8, 2021; and (c) pretrial order and Fed. R. Civ. P. 26(a)(3) disclosures, currently set
2 for February 8, 2021.

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4 This request is submitted in good faith and not for the purpose of delay. Although the
5 parties have worked diligently to move this case forward, the current procedural posture of
6 this case necessitates continuation of the foregoing deadlines. Defendant recently sought
7 leave of Court to file an amended answer and counterclaim (ECF No. 29), which the Court
8 granted through the Order entered on October 1, 2020 (ECF No. 32). Defendant subsequently
9 filed his First Amended Answer and Counterclaim on October 2, 2020 (ECF No. 33).
10 Plaintiff has not yet filed a reply to Defendant's counterclaim. At the same time, Plaintiff and
11 Defendant's father, Frank Van Vranken, Sr., are currently involved in related litigation
12 pending before Judge Andrew P. Gordon. *See Kush, Inc. v. Frank Van Vranken, Sr.*, Case
13 No. 2:20-cv-00647-APG-NJK.¹ Mr. Van Vranken, Sr. recently filed a motion to consolidate
14 the case pending before Judge Gordon with the present case. Defendant consents to
15 consolidation and filed a Notice of Motion to Consolidate Cases (ECF No. 34) on October
16 8, 2020. Although opposing the motion to consolidate, Plaintiff recognizes that a ruling is
17 needed so that the parties can meaningfully plan for discovery, depositions, dispositive
18 motions, and the later trial.

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20 In light of the foregoing, the parties do not believe it is possible to meet the upcoming
21 deadlines. Simply put, the parties are unable to meaningfully propound discovery requests,
22 depose witnesses, draft and file dispositive motions, or otherwise prepare for trial without

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28 ¹ An identical stipulated motion has been contemporaneously filed in this case pending
before Judge Gordon.

1 knowing all of the facts, claims, and legal issues relevant thereto. Accordingly, the parties
2 respectfully request a 90-day continuance of each of the deadlines set forth above. If granted,
3 the parties will revisit this issue in advance of the continued deadlines to assess the current
4 status of the case and whether a further continuance is necessary.
5

6 The parties specifically stipulate that:

7 1. The discovery cut-off date, presently set for December 9, 2020, shall be
8 continued to March 9, 2021;
9

10 2. The deadline to file dispositive motions, presently set for January 8, 2021,
11 shall be continued to April 8, 2021; and
12

13 3. The deadlines to file a joint pretrial order and make Fed. R. Civ. P. 26(a)(3)
14 disclosures, presently set for February 8, 2021, shall be continued to May 10, 2021.
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16 **IT IS SO ORDERED:**

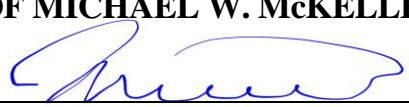
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18 _____
19 DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

20 DATED: November 2, 2020

21
22 RESPECTFULLY SUBMITTED this 30th day of October, 2020.

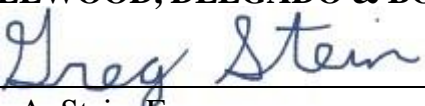
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I electronically transmitted the foregoing Stipulated Motion to Continue Deadlines in Discovery Plan and Scheduling Order using the CM/ECF System for filing, and that I transmitted a Notice of Electronic Filing to the following CM/ECF registrants:

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